



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

July 13, 2004

Mr. Wayne D. Haglund  
Law Office of Wayne D. Haglund  
P.O. Box 713  
Lufkin, Texas 75902-0713

OR2004-5756

Dear Mr. Haglund:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 205051.

The Angelina County Alliance for Children, Inc. (the "alliance"), which you represent, received a request for eight categories of information. You inform us that the alliance will release some of the requested information. You claim that other responsive information is excepted from disclosure under sections 552.101, 552.111, 552.117, 552.137, and 552.138 of the Government Code. You also inform us that the alliance has asked the requestor for clarification of this request for information.<sup>1</sup> You do not indicate that the alliance has received a response to its request for clarification. Therefore, the alliance has no further obligation at this time with regard to any other information that may be responsive to this request. At such time, however, as the requestor provides clarification of the request, the alliance must request a decision from this office with regard to any responsive information that it seeks to withhold. As we are able to make this determination, we need not address your other arguments against disclosure.

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<sup>1</sup>See Gov't Code § 552.222(b) (if what information is requested is unclear to governmental body, it may ask requestor to clarify request); Open Records Decision No. 663 at 2-5 (1999) (addressing circumstances under which governmental body's communications with requestor to clarify or narrow request for information toll its ten-business-day deadline to request decision under Gov't Code § 552.301(b)).

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

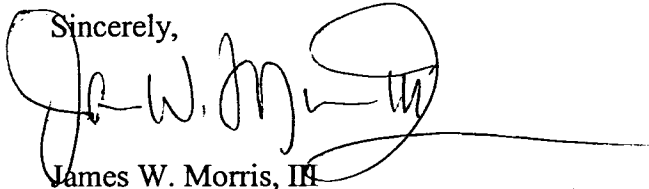
If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code

§ 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,

A handwritten signature in black ink, appearing to read "J.W. Morris, III", with a long horizontal flourish extending to the right.

James W. Morris, III  
Assistant Attorney General  
Open Records Division

JWM/sdk

Ref: ID# 205051

Enc: Submitted documents

c: Mr. Gary W. Gates, Jr.  
2205 Avenue I #117  
Rosenberg, Texas 77471  
(w/o enclosures)